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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: JESUS VAZQUEZ

Application No.: 09/173,828

Art Unit:

Filed: 10/16/98

Examiner: KOCZO JR. M

Title: CONTINUOUS FLOW EXPANDABLE CHAMBER AND DYNAMIC DISPLACEMENT  
ROTARY DEVICES.

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$640. (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of NEW AMENDMENTS (identify type of reply):

- ☐ has been filed previously on 8/01/01.  
☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/20/2002 GTEFFERA 00000150 09173828

01 FC:241

640.00 OP

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FEB 20 2002

OFFICE OF PETITIONS

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

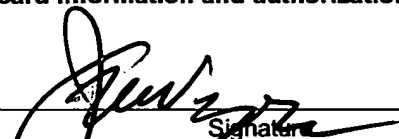
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 28, 2002  
Date

Telephone

Number: 787-798-1581

  
Signature

JESUS VAZQUEZ

Typed or printed name

#B-13 Alameda St. Urb. Sta. Juanita  
Address

Bayamon, P.R. 00956

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/11/02  
Date

  
Signature

JESUS VAZQUEZ  
Type or printed name of person signing certificate

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OFFICE OF PETITIONS



Appn. Number: 09/173,828  
Appn. Filed: 1998 Oct 15  
Applicant: Jesus Vazquez  
Title: Continuous Flow Expandable Chamber and Dynamic Displacement Rotary Devices  
Examiner: Michael Kocz, Jr.

San Juan, PR 2001 December 18

Petition for Revival of an Application for Patent  
Abandoned Unintentionally under CFR 1.137(b)

Attention Office Of Petitions  
Assistant Commissioner Of Patents  
Box DAC  
Washington, D.C. 20231

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Dear Sir or Madam

In response to a PTO advisory action dated November 8, 2001 and my subsequent telephone conversations with your office, I hereby request that my unintentionally abandoned patent application as indicated above to be revived or otherwise reinstated and also Request a Continued Examination (RCE PTO SB30 enclosed) of this patent application and that the amended claims submitted in my reply filed August 01, 2001 be considered. Filled form PTO/SB/64 is enclosed.

I must explain that due to financial constraints I was forced to try and file this patent application without the aid of an attorney needless to say these constraints have worsened as a result of the recession and the terrorist acts of September 11, 2001. As instructed and in a timely manner I responded on August 1, 2001 to the final rejection and submitted a postal money order # 90179970197 for \$485.00 covering the amendments to my claims. At the time I made no changes in the drawings because none were called for, according to the notice of draft person's patent drawing review (copy enclosed), dated 5/1/01 in which line (A) was checked off indicating that it was not objected to by the draft person under 37 CFR 1.84 or 1.152.

Adjustment date: 02/20/2002 0TEFFERA  
11/07/2001 JELLIOTT 00000001 09173828  
01 FC:203 135.00 GP  
02 FC:202 240.00 GP  
03 FC:115 110.00 GP

I was informed in the recent advisory action that these amendments would not be entered or considered which although they were just attempts at elucidating the nature of the invention were deemed to raise new issues that required further consideration. Please be informed that this involuntary or unintentional abandonment was due to nothing more than my ignorance in the procedures and time limits involved in this process. I believe things could not have turned out worse had I planned it that way with help. I was advised by officials at your offices and help assistance center (help line) that the money I submitted to cover the amendments to my claims may be utilized as part of the revival petition fee. I request if I may, considering that the aforementioned amendments were not entered or even considered (as well as the great difficulty that I have in raising money) that the money that was remitted to cover these amendments be utilized (or rolled over if you will) as part of the revival petition fee of \$640.00 for a small entity.

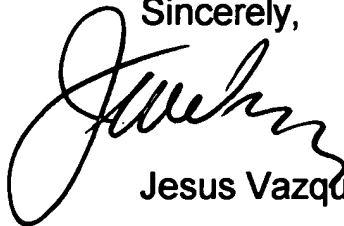
$\$640.00 \text{ less } 485.00 = \$155.00 \text{ plus } \$370.00 \text{ filing fee} = \$525.00$

I enclose a postal money order # 90425817685 for \$525.00 to cover the above mentioned actions.

Considering that this invention was published because I had filed a parallel PCT application, which was subsequently abandoned because I was unable to secure the additional fees that accompanied it, I would lose everything and be unable to file again for patent protection for this invention. The only reason for my slight delay in my request for revival is due to my inability to come up with the appropriate fees that must accompany the request.

I therefore request that you Please revive my application and accept the corrected artwork as it seems to be requested in a subsequent office communication dated mailed 12/20/01. I appreciate your indulgence in this matter to the best of your allowed discretion.

Sincerely,



Jesus Vazquez

**RECEIVED**

FEB 2 0 2002

OFFICE OF PETITIONS

Enclosures

Forms SB30, SB64,

Corrected Drawings,

Patent Drawing Review 3/26/01

U.S. Postal Money Order

NOTICE OF DRAFTPERSON'S  
PATENT DRAWING REVIEWThe drawing filed (insert date) 3/26/01 are:A. ☒ not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B. ☐ objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings where necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.☐ Color drawing are not acceptable until petition is granted.

Fig.(s) \_\_\_\_\_

☐ Pencil and non black ink is not permitted. Fig(s) \_\_\_\_\_

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ Photographs are not acceptable until petition is granted,☐ 3 full-tone sets are required. Fig(s) \_\_\_\_\_☐ Photographs not properly mounted (must bristol board or photographic double-weight paper). Fig(s) \_\_\_\_\_☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

## 3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white and durable.

Fig.(s) \_\_\_\_\_

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)☐ Mylar, vellum paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawings sheets not the same size.

Sheet(s) \_\_\_\_\_

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 SizeTop 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11☐ Margins not acceptable. Fig(s) \_\_\_\_\_☐ Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_☐ Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

## 6. VIEWS. CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

☐ Views connected by projection lines or lead lines.

Fig.(s) \_\_\_\_\_

Partial views, 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig.(s) \_\_\_\_\_

☐ Views not labeled separately or properly.

Fig.(s) \_\_\_\_\_

☐ Enlarged view not labeled separately or properly.

Fig.(s) \_\_\_\_\_

## 7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Hatching not indicated for sectional portions of an object.

Fig.(s) \_\_\_\_\_

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig.(s) \_\_\_\_\_

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig.(s) \_\_\_\_\_☐ Views not on the same plane on drawing sheet. Fig.(s) \_\_\_\_\_

## 9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.

Fig.(s) \_\_\_\_\_

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).

Fig.(s) \_\_\_\_\_

## 11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig.(s) \_\_\_\_\_☐ Solid black shading not permitted. Fig.(s) \_\_\_\_\_☐ Shade lines, pale, rough and blurred. Fig.(s) \_\_\_\_\_

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.48(p)

☐ Numbers and reference characters not plain and legible.

Fig.(s) \_\_\_\_\_

☐ Figure legends are poor. Fig.(s) \_\_\_\_\_☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig.(s) \_\_\_\_\_☐ English alphabet not used. 37 CFR 1.84(p)(3) Fig.(s) \_\_\_\_\_☐ Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s) \_\_\_\_\_

## 13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig.(s) \_\_\_\_\_☐ Lead lines missing. Fig.(s) \_\_\_\_\_

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(i)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig.(s) \_\_\_\_\_

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig.(s) \_\_\_\_\_

## 16. CORRECTIONS. 37 CFR 1.84(w)

☐ Corrections not made from PTO-948 dated \_\_\_\_\_

## 17. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig.(s) \_\_\_\_\_☐ Solid black shading not used for color contrast.

Fig.(s) \_\_\_\_\_

## COMMENTS

REVIEWER CBKDATE 5/11/01TELEPHONE NO. 7033081350ATTACHMENT TO PAPER NO. 11

APPLICANT'S COPY